

Kessler, Ellen

From: Strength, Stephanie - Washington, DC [Stephanie.Strength@wdc.usda.gov]
Sent: Tuesday, July 28, 2009 11:15 AM
To: Lilley, Bliss; Collins, Carly
Subject: FW: CapX 2020 EIS Scoping Comments
Attachments: MRR CapX Comments.doc

-----Original Message-----

From: solsimon@centurytel.net [mailto:solsimon@centurytel.net]
Sent: Friday, July 24, 2009 12:21 AM
To: Strength, Stephanie - Washington, DC
Subject: CapX 2020 EIS Scoping Comments

Dear Ms. Strength,

Attached and below are comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 powerline, on behalf of my organization, the Mississippi River Revival (MRR).

Sincerely,

Sol Simon

7/20/09

Stephanie Strength
USDA, Rural Utilities Service
1400 Independence Ave. SW, Mail Stop 1571, Room 2244
Washington, D.C. 20250-1571

Re: EIS Scoping Comments for CapX 2020 Project

Dear Ms. Strength:

I am submitting comments regarding the scoping for the USDA Environmental Impact Statement (EIS) proposed CapX 2020 powerline, on behalf of my organization, the Mississippi River Revival (MRR). The Mississippi River Revival is a 501 c3, river advocacy organization.

NEPA Process Concerns

In terms of process, the Mississippi River Revival is concerned that the USDA may not be following NEPA requirements in the planning for the EIS, or the evaluation of alternatives. The authors of the Alternative Evaluation Study and the Macro-Corridor Study did not formally seek early input from Wisconsin state agencies, or organizations involved with the Mississippi River Valley. In addition it is concerning that the USDA published the Alternative Evaluation Study (which clearly dismisses certain alternatives such as the no action alternative), prior to initiating an EIS. Section 1502.14 of NEPA outlines that the

N-003-001

N-003-002

N-003-002

Your comment has been noted. Alternatives to the project will be addressed in the Draft Environmental Impact Statement.

primary purpose of an EIS is to evaluate all of the alternatives (including the no action alternative) so that a preferred alternative may be chosen.

The Council on Environmental Quality (CEQ) directs federal agencies to work with relevant state agencies and private organizations early in the planning process for an EIS. The CEQ's 40 questions page states, "Section 1501.2(d) requires federal agencies to take steps toward ensuring that private parties and state and local entities initiate environmental studies as soon as federal involvement in their proposals can be foreseen. This section is intended to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed." <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>

Under NEPA, the USDA must determine and analyze the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of federal actions on the quality of the environment. The Council on Environmental Quality directs federal agencies to evaluate, "reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study with a brief discussion of the reasons for eliminating them. Section 1502.14. Moreover, a decisionmaker must, in fact, consider all the alternatives discussed in an EIS."

N-003-006

MRR is concerned with the lack of specificity of the proposed project in the RUS Macro-Corridor Study. MRR cannot yet delineate the specific areas or concerns that may be affected by the proposed line because neither CapX 2020, nor RUS staff have yet surveyed the possible routes for site specific criteria within the Mississippi River Valley (e.g. wetland acreage, endangered species location, etc.).

N-003-002

At the public scoping meeting in Fountain City on 6/25/09, both CapX 2020 staff person Tom Hillstrom and RUS staff person Stephanie Strength communicated that site specific environmental concerns on the proposed routes (especially in Wisconsin) had not yet been identified. In addition, the RUS Macro-Corridor Study fails to identify many critical site specific environmental concerns.

N-003-007

MRR asserts that the USDA EIS must provide a detailed environmental analysis from which the USFWS can prepare an adequate EIS. 50 C.F. R. §29.21-2 states, "All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), Executive Order 11593 "Protection and Enhancement of the Cultural Environment" of May 13, 1971 (36 FR 8921), and "Procedures for the Protection of Historic and Cultural Properties" (36 CFR, part 800). A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Service land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Service project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown."

General Environmental Concerns

N-003-008	<p>MRR's general concerns with the proposed CapX 2020 powerline routes are focused on the potential affects on the Mississippi River Valley. The line would have to cross the Mississippi River and several of the proposed routes would parallel along the Mississippi River Valley. Our scoping comments can be summarized into seven areas of concern: viewshed encroachment, scenic easements, wetlands encroachment, risk to avian species, affect on endangered and protected species, affect on archeological resources, and proximity of right of way to residences and schools.</p>
N-003-003	<p>Viewshed Encroachment and Economic Development</p> <p>The Upper Mississippi River Refuge has more annual visitors than Yellowstone National Park. The economic contribution to our regional economy by recreational use along the Upper Mississippi River Valley is extremely important. A 1994 by the Army Corps of Engineers estimated that over 12 million daily visits by recreationists to the Upper Mississippi River Valley took place during the study year. These visits supported over \$1.2 billion in national economic impacts (1990 price levels) and over 18,000 jobs nationwide. (Executive Summary, Economic Impacts of Recreation on the Upper Mississippi River System, U.S. Army Corps of Engineers, St. Paul District, 1994).</p> <p>Several of the proposed routes for CapX 2020 would locate 175 feet tall power lines parallel along the very scenic and historic Mississippi River Valley. The size of the poles for this line would dwarf the existing right of way poles. The proposed 175 foot poles would be one half to one third the height of the bluffs which define the Mississippi River Valley scenic view shed and significantly detract from the visual beauty of the river valley. The negative economic impact on recreational use by locating the line along the Upper Mississippi River Valley needs to be analyzed in the USDA EIS and considered in line siting considerations.</p>
N-003-009	<p>Scenic Easements along the Great River Road Scenic Byway</p> <p>The Wisconsin Department of Transportation holds 7000 acres of scenic easement rights in Buffalo and Trempealeau Counties, most of the scenic easements are in the Mississippi River Valley, along highway 35 (the Great River Road Scenic Byway). The easements were enacted to protect the scenic views of the river valley and promote tourism and economic development. The scenic easements prohibit construction of power line towers within 350 feet from the center line of highway 35. This provision would conflict with large sections of proposed CapX line routing. The USDA EIS should analyze and consider the affects of the proposed line on the scenic easements.</p>
N-003-004	<p>Wetlands Encroachment</p> <p>Significant amounts of the proposed land through which the proposed routes pass consists of wetlands. Construction of the lines and pole siting will require encroachment of wetland areas and even elimination of smaller areas of wetland. Even if winter season construction is chosen to construct and run lines, wetland habitat will be affected. However, there is no specification of potential affects of the proposed routes on wetlands in the Macro-Corridor Study. The USDA EIS needs to quantify the amount of wetland affected by each proposed route and specify the mitigation for each proposal, so that adverse affects can be analyzed and minimized.</p> <p>Risk to Avian Species</p> <p>Approximately 40% of North America's migratory waterfowl use the Mississippi Flyway as a migration route. The proposed routes for the CapX line all cross the Upper Mississippi River Wildlife Refuge. The refuge provides migratory habitat for a large percentage of the migratory birds in the Mississippi Flyway. In addition, large raptors such as bald eagles, red-tailed hawks, red shouldered hawks, peregrine falcons, great-horned owls, etc. nest within the proposed CapX routes. Avian mortality from high voltage power lines is well</p>

N-003-003

Your comment has been noted. Potential impacts to social and economic resources will be addressed in the Draft Environmental Impact Statement.

N-003-004

Your comment has been noted. Potential impacts to wetlands will be addressed in the Draft Environmental Impact Statement.

documented. The smaller Audubon National Wildlife Refuge in North Dakota is a very deadly area for avian species, due to the presence of high voltage lines in a migratory flyway; even though visual diverters have been employed to attempt to mitigate the bird strikes and electrocutions.

An ABC news article reporting on the issue, Solution Sought for North Dakota Power Line Bird Strikes, detailed the problem, "Biologists believe overhead electrical power lines and car collisions make the two-mile stretch of U.S. Highway 83 through the Audubon National Wildlife Refuge one of the world's deadliest places for birds, on land or air. Schriener said 429 avian carcasses were recovered in 2006 when no diverters were used. Last year, 344 dead birds were recovered after hundreds of the devices were latched to some of the power lines. So far this year (2008), 375 carcasses have been found, said Doderer, a biologist hired to find bird carcasses along the causeway." (<http://abcnews.go.com/US/wireStory?id=5854713>)

N-003-004 | The USDA EIS should work with the U.S. Fish and Wildlife Service to conduct a risk assessment survey of the proposed routes on avian species. The EIS should investigate the minimization of the CapX route affects on the Mississippi Flyway and the Mississippi River Wildlife Refuge and Trempealeau Wildlife Refuge by directing the line away from the Mississippi River Valley and burying the line as it passes through the river valley. In addition, best practices such as using visual diverters, and keeping the wires parallel with each other should be employed within ten miles of the Mississippi River Valley to mitigate migratory bird collisions.

Effect on Protected and Endangered Species

N-003-010 | The USDA EIS should analyze and determine the potential effects of the proposed routes on Bald Eagles. Many bald eagle nests are known to be located along the proposed routes. In addition, mortalities have occurred from existing high voltage lines in the Mississippi River Valley and high voltage line surveys conducted from helicopters.

The Bald Eagle Protection Act (16 U.S.C. 668-668c), prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment. Bald eagles may not be taken for any purpose unless, prior to such taking, a permit to do so is procured from the Secretary of the Interior.

N-003-011 | Many state listed threatened and endangered species have habitats along the proposed routes. USDA staff should work with the MN DNR and WI DNR to analyze and mitigate the proposed route's affects on protected species.

Archeological and Cultural Resources

N-003-012 | There are numerous archeological sites located within the Mississippi River Valley, in close proximity to the possible routes. The USDA EIS should work with the Mississippi River Valley Archeological Center in La Crosse, WI, and other organizations to determine which sites may be effected and avoided.

N-003-005

Proximity of Right of way to Residences and Schools

Several of the proposed routes have residences and schools within the proposed 150 of the expanded right of ways. The route that travels from Alma to Holmen down the Mississippi River Valley has dozens of residences and at least one school (Cochrane-Fountain City School District) that would be within the proposed right of way. The Fountain City and Holmen areas both have several houses that would be located directly underneath the wires, in violation of Wisconsin State Code. The USDA EIS should quantify the number of residences and schools along the proposed routes that would have to be either mitigated or relocated as a result of right of way expansion.

Thank you for the opportunity to comment on the proposed CapX 2020 project. MRR looks forward to further involvement with this issue.

Sincerely,

Sol Simon
Mississippi River Revival
Suite 305, 51 East Fourth St.
Winona, MN 55987

N-003-005

Your comment has been noted. Potential impacts to land use will be addressed in the Draft Environmental Impact Statement.

N-003-006

The project is still in the development and planning stages and the utilities are striving to provide the most up to date information in a timely manner. Project information is updated regularly on the project website, www.capx2020.com.

The Draft Environmental Impact Statement will be available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. Comments on the Draft Environmental Impact Statement will be solicited after its publication.

N-003-007

Your comment has been noted. Dairyland Power Cooperative, one of the CapX2020 utilities, has requested financial assistance from USDA Rural Utilities Service (RUS), for Dairyland's anticipated 11 percent ownership interest in the proposed Hampton-Rochester-La Crosse 345 kilovolt transmission line project. RUS has determined that its funding of Dairyland's ownership interest is a federal action and therefore subject to the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). RUS is the lead agency for both NEPA and Section 106 review.

N-003-008

Your comment has been noted. The criteria used to route the transmission line is described in the Macro Corridor Study which is available on the RUS website at: <http://www.usda.gov/rus/water/ees/eis.htm>. These criteria and routing

7/20/09

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Washington, D.C. 20250-1571

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process will be addressed in the Draft Environmental Impact Statement. The project is still in the development and planning stages and the utilities have not yet permitted a route for the transmission line.

N-003-009

Your comment has been noted. Potential impacts to the aesthetic quality of the areas surrounding the transmission line will be addressed in the Draft Environmental Impact Statement.

N-003-010

Your comment has been noted. Potential impacts to wildlife will be addressed in the Draft Environmental Impact Statement.

~~REDACTED COMMENT~~

N-003-012

Your comment has been noted. Impacts to historic and archeological resources affected by the transmission line will be addressed in the Draft Environmental Impact Statement.

MRR is concerned with the lack of specificity of the proposed project in the RUS Macro-Corridor Study. MRR cannot yet delineate the specific areas or concerns that may be affected by the proposed line because neither CapX 2020, nor RUS staff have yet surveyed the possible routes for site specific criteria within the Mississippi River Valley (e.g. wetland acreage, endangered species location, etc.).

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Viewshed Encroachment and Economic Development

The Upper Mississippi River Refuge has more annual visitors than Yellowstone National Park. The economic contribution to our regional economy by recreational use along the Upper Mississippi River Valley is extremely important. A 1994 by the Army Corps of

Engineers estimated that over 12 million daily visits by recreationists to the Upper Mississippi River Valley took place during the study year. These visits supported over \$1.2 billion in national economic impacts (1990 price levels) and over 18,000 jobs nationwide. (Executive Summary, Economic Impacts of Recreation on the Upper Mississippi River System, U.S. Army Corps of Engineers, St. Paul District, 1994).

Several of the proposed routes for CapX 2020 would locate 175 foot tall power lines parallel along the very scenic and historic Mississippi River Valley. The size of the poles for this line would dwarf the existing right of way poles. The proposed 175 foot poles would be one half to one third the height of the bluffs which define the Mississippi River Valley scenic view shed and significantly detract from the visual beauty of the river valley. The negative economic impact on recreational use by locating the line along the Upper Mississippi River Valley needs to be analyzed in the USDA EIS and considered in line siting considerations.

Scenic Easements along the Great River Road Scenic Byway

The Wisconsin Department of Transportation holds 7000 acres of scenic easement rights in Buffalo and Trempealeau Counties, most of the scenic easements are in the Mississippi River Valley, along highway 35 (the Great River Road Scenic Byway). The easements were enacted to protect the scenic views of the river valley and promote tourism and economic development. The scenic easements prohibit construction of power line towers within 350 feet from the center line of highway 35. This provision would conflict with large sections of proposed CapX line routing. The USDA EIS should analyze and consider the affects of the proposed line on the scenic easements.

Wetlands Encroachment

Significant amounts of the proposed land through which the proposed routes pass consists of wetlands. Construction of the lines and pole siting will require encroachment of wetland areas and even elimination of smaller areas of wetland. Even if winter season construction is chosen to construct and run lines, wetland habitat will be affected. However, there is no specification of potential affects of the proposed routes on wetlands in the Macro-Corridor Study. The USDA EIS needs to quantify the amount of wetland affected by each proposed route and specify the mitigation for each proposal, so that adverse affects can be analyzed and minimized.

Risk to Avian Species

Approximately 40% of North America's migratory waterfowl use the Mississippi Flyway as a migration route. The proposed routes for the CapX line all cross the Upper Mississippi River Wildlife Refuge. The refuge provides migratory habitat for a large percentage of the migratory birds in the Mississippi Flyway. In addition, large raptors such as bald eagles, red-tailed hawks, red shouldered hawks, peregrine falcons, great-horned owls, etc. nest within the proposed CapX routes. Avian mortality from high voltage power lines is well documented. The smaller Audubon National Wildlife Refuge in North Dakota is a very deadly area for avian species, due to the presence of high voltage lines in a migratory flyway; even though visual diverters have been employed to attempt to mitigate the bird strikes and electrocutions.

An ABC news article reporting on the issue, *Solution Sought for North Dakota Power Line Bird Strikes*, detailed the problem. "Biologists believe overhead electrical power lines and car collisions make the two-mile stretch of U.S. Highway 83 through the Audubon National Wildlife Refuge one of the world's deadliest places for birds, on land or air.

Schriner said 429 avian carcasses were recovered in 2006 when no diverters were used. Last year, 344 dead birds were recovered after hundreds of the devices were latched to some of the power lines. So far this year (2008), 375 carcasses have been found, said Doderer, a biologist hired to find bird carcasses along the causeway."
(<http://abcnews.go.com/US/wireStory?id=5854713>)

The USDA EIS should work with the U.S. Fish and Wildlife Service to conduct a risk assessment survey of the proposed routes on avian species. The EIS should investigate the minimization of the CapX route affects on the Mississippi Flyway and the Mississippi River Wildlife Refuge and Trempealeau Wildlife Refuge by directing the line away from the Mississippi River Valley and burying the line as it passes through the river valley. In addition, best practices such as using visual diverters, and keeping the wires parallel with each other should be employed within ten miles of the Mississippi River Valley to mitigate migratory bird collisions.

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Many state listed threatened and endangered species have habitats along the proposed routes. USDA staff should work with the MN DNR and WI DNR to analyze and mitigate the proposed route's affects on protected species.

Archeological and Cultural Resources

There are numerous archeological sites located within the Mississippi River Valley, in close proximity to the possible routes. The USDA EIS should work with the Mississippi River Valley Archeological Center in La Crosse, WI, and other organizations to determine which sites may be effected and avoided.

Proximity of Right of way to Residences and Schools

Several of the proposed routes have residences and schools within the proposed 150' of the expanded right of ways. The route that travels from Alma to Holmen down the Mississippi River Valley has dozens of residences and at least one school (Cochrane-Fountain City School District) that would be within the proposed right of way. The Fountain City and Holmen areas both have several houses that would be located directly underneath the wires, in violation of Wisconsin State Code. The USDA EIS should quantify the number of residences and schools along the proposed routes that would have to be either mitigated or relocated as a result of right of way expansion.

Thank you for the opportunity to comment on the proposed CapX 2020 project. MRR looks forward to further involvement with this issue.

Sincerely,

Sol Simon
Mississippi River Revival
Suite 305, 51 East Fourth St.
Winona, MN 55987